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REMARKS

Claims 1-23 are currently pending in the subject application and are presently under consideration. Claims 1-6, 8-18 and 20-23 have been amended and claims 7 and 19 have been canceled herein. A complete listing of the claims can be found at pages 2-5 showing the changes made.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-23 Under 35 U.S.C. §102(e)

Claims 1-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Brobst *et al.* (US 6,622,083). Withdrawal of this rejection is respectfully requested for at least the following reasons. Brobst *et al.* fails to disclose, teach or suggest each and every feature of the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim.* *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Independent claims 1 and 15

The claimed invention relates to a system for scanning a target. In particular, independent claims 1 and 15 recite similar limitations, namely *a beam expander with a generally cylindrical reflective outer surface.* On page 4 of the Examiner's Answer (dated June 12, 2003), the Examiner contends that Brobst *et al.* shows an expander having a cylindrical reflective surface. At the portion of the reference indicated by the Examiner, Brobst *et al.* shows a polygonal scan mirror that consists of alternating concave, flat, elliptical or spherical configurations. *See* col. 3, lines 52-64. In particular, the reference rotates the scan mirror such that the numerous facets

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employ light upon a barcode. However, nowhere does the cited reference show a facet with a cylindrical configuration. Consequently, Brobst *et al.* is silent with respect to *a beam expander with a generally cylindrical reflective outer surface*, as claimed.

Independent claims 21 and 23

Independent claims 21 and 23 recite *a control system varying the shape of a reflector whereby the second portion of a light beam scans at least a portion of a target, whereby the light beam is expanded and expander means for reflecting a second portion of the light beam from the reflector means onto the target*, respectively. Brobst *et al.* fails to disclose such novel features of the subject claims.

On page 3 of the Examiner's Answer, it is asserted that Brobst *et al.* shows an oscillating mirror that serves as a beam expander wherein the reflector reflects a light beam from the light source onto the beam expander. The reference directs light through a reflector onto one of the facets on the scan mirror, which then directs light onto the target. However, nowhere does Brobst *et al.* disclose that the light beam is expanded upon reflection off of the scan mirror. Therefore, the reference is silent regarding *expander means for reflecting a second portion of the light beam from the reflector means onto the target* as recited in claim 23 and similarly disclosed in claim 21.

In view of at least the foregoing, it is readily apparent that Brobst *et al.* fails to teach the identical invention in as much detail as is contained in applicant's claims. Accordingly, withdrawal of the rejection is respectfully requested.

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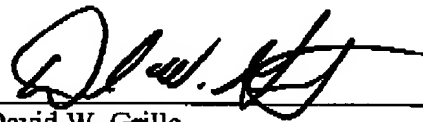
Conclusion

The present application is believed to be condition for allowance in view of the amendments and comments herein. A prompt action to such end is earnestly solicited.

In the event any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

The Examiner is invited to contact applicant's undersigned representative over the telephone to expedite favorable prosecution of the subject application.

Respectfully submitted,
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